

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
June 8-12, 1998

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
6-8	EX	74/622,150	Leslie Weinstein	Hanak* Hairston Walters	2(d)	Refusal Affirmed		"TRUE LOCK" [locking metal fasteners]	"TRU-LOK" [metal screws]	Wellington	No
6-9	OPP	97,936	Blue Cross and Blue Shield of Minnesota v. Rx Aware, Inc.	Seeherman* Quinn Hohein	2(d)	Opposition Sustained	"AWARE" and "AWARE GOLD" [both marks registered for health insurance underwriting services, administering insurance plans for others and arranging health care services for others] and "AWARE CARE" [used in connection with arranging health care services for others]	"RxAWARE" (in stylized lettering) [consulting services in the field of drug interactions]			No
6-11	EX (R)	74/543,143	Sport-Design, Inc.	Cissel Quinn Hohein*	2(d)	Request for Reconsideration Denied (Refusal Affirmed)		"STARS OF TOMORROW" [children's sports products, namely, baseballs, baseball bats and gloves, tennis rackets, footballs, basketballs and soccer balls]	"STAR OF TOMORROW" [golf clubs]	Salemi	No
6-11	EX	74/464,118	Boston Beer Company Limited Partnership	Simms Cissel* Hohein	2(e)(1); whether asserted mark is registrable under Section 2(f) or is, rather, inherently incapable of functioning as a mark	Refusal Affirmed		"THE BEST BEER IN AMERICA" [beer and ale]		Crowe	Yes

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

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6-11	EX	74/654,198	Casino Data Systems	Simms Cissel Walters*	2(d); whether the specimens of record demonstrate trademark use of the asserted mark	Refusal Affirmed (on both grounds)		"GRAPHIT" [computer programs, namely, software for use in gaming environment for player tracking]	"GRAPH IT" [computer programs in the form of magnetic tapes]	Stine	No
6-11	EX	74/601,983	Middleby Marshall, Inc.	Simms Hanak Hohein*	2(e)(1)	Refusal Affirmed		"RAPIDSTEAM" [commercial electric cooking steamers]		Zervas	No
6-11	OPP	93,436	Hard Rock Cafe Licensing Corp. v. Thomas D. Elsea	Sams Quinn (D) Walters*	2(d)	Opposition Dismissed	"HARD ROCK CAFE" [t-shirts, sweatshirts, polo shirts, sport shirts, jackets, hats, caps and belts]; "HARD ROCK CAFE" (and design) [t-shirts, sweatshirts, polo shirts, sport shirts, jackets, hats, caps, belts; metal key rings; jewelry, namely, decorative pins, tie pins, lapel pins of non-precious metal]; "HARD ROCK CAFE" (and design) [restaurant and prepared take out food service]	"COUNTRY ROCK CAFE SALOON DANCE HALL" (and design) [jewelry; beverage glassware; shirts, jackets and sweatshirts; restaurant and nightclub services]			Yes

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(2) *=Opinion Writer; (D)=Dissenting Panel Member